

In May 2014, Brunei implemented the first of three phases of new criminal regulations based on Sharia (Islamic law), with plans to implement all phases by 2015 or 2016. The regulations are based on Brunei's new Sharia Penal Code, announced by Sultan Hassanal Bolkiah Mu'izzaddin Waddaulah in 2013. The first phase includes crimes resulting in fines or imprisonment, many of which already appear under existing laws, such as proselytizing religions other than Islam.

Political Rights and Civil Liberties:

## **Political Rights: 7 / 40 [Key]**

### **A. Electoral Process: 0 / 12**

Brunei is a constitutional sultanate. The sultan is the head of state and prime minister, and continues to wield broad powers under a long-standing state of emergency imposed in 1984. Sultan Hassanal is also minister of defense and minister of finance. The sultan is technically advised by the Council of Cabinet Ministers, the Legislative Council, the Privy Council, and the Religious Council. Citizens convey concerns to their leaders through government-vetted councils of elected village chiefs. Brunei's vast oil, gas, and mineral resources form the backbone of the country's development plan and the royal family's power.

No direct legislative elections have been held since 1962. The unicameral Legislative Council has no political standing independent of the sultan. Following the completion of its first five-year term, the Legislative Council was disbanded in 2011 and replaced with a newly appointed and expanded 33-member council. In March 2014, the council included 19 appointed members, 11 cabinet members, the sultan, Prince Al-Muhtadee Billah, and Prince Mohamed Bolkiah. The 19 appointed members represented Brunei's four administrative districts, *cheteria* (titled officials), and professional, social, and religious groups.

### **B. Political Pluralism and Participation: 3 / 16**

Genuine political activity by opposition groups remains extremely limited. The National Development Party (NDP) was permitted to register in 2005 after pledging to work as a partner with the government and swearing loyalty to the sultan. Since the National Solidarity Party was deregistered without explanation in 2008, the NDP has been Brunei's sole legal political party. However, NDP has no formal political role, few activities in practice, and weak membership.

### **C. Functioning of Government: 3 / 12**

The reform efforts of the sultan have been largely superficial; while many of them are designed to attract foreign investment, they are also considered preparations for an eventual succession and the expected depletion of the country's oil and gas reserves, which account for about 90 percent of state revenues.

Although the Legislative Council sits at the will of the sultan and has no real power, it formally passed the state budget and engaged in question and answer sessions with government officials that showed a continued openness to light oversight activity.

The government claims to have a zero-tolerance policy on corruption, and its Anti-Corruption Bureau has successfully prosecuted a number of lower-level officials in recent years. Sultan Hassanal's family members hold key appointments. His son, Crown Prince Al-Muhtadee Billah Bolkiah, is head of the monetary authority and senior minister at the prime minister's office, and the sultan's brother, Prince Mohamed Bolkiah, is minister of foreign affairs and trade.

## **Discretionary Political Rights Question A: 1 / 0**

Citizens have the opportunity to convey concerns to their leaders through government-vetted councils of elected village chiefs.

## **Civil Liberties: 23 / 60**

### **D. Freedom of Expression and Belief: 6 / 16**

Journalists in Brunei face considerable restrictions. Officials may close newspapers without cause and fine and imprison journalists for up to three years for reporting deemed "false and malicious." Amendments to the national sedition law in 2005 strengthened prohibitions on criticizing the sultan and the national "Malay Muslim Monarchy" ideology. The country's main English-language daily newspaper, the *Borneo Bulletin*, is controlled by the sultan's family and often practices self-censorship. A second English-language daily, a smaller, Malay-language newspaper, and several Chinese-language papers are also published. Brunei's only television station is state run, but residents can receive Malaysian broadcasts and satellite channels.

The new regulations of the 2013 Penal Code include provisions limiting the use of certain words and expressions deemed to be sacred to Islam in reference to other religions in print, speech, or public statement. The words and expressions include some common in the Malay language such as "Allah" (god) and "hukum" (law). The crime is subject to three years in prison and/or a maximum fine of \$12,000. No cases have used this law since implementation began in May 2014.

The country's internet practice code stipulates that content must not be subversive or encourage illegitimate reform efforts. The sultan's public comments in 2013 and 2014 suggest that he opposes "abuses" of online platforms to foment internal strife and discussions that oppose the royal family and political system. Brunei has an active online discussion community, however, and social media are not censored.

The state religion is Islam, but the constitution allows for the practice of other religions. The new Sharia Penal Code includes a rule against propagating or proselytizing in publication or speech a religion other than Islam to Muslims or atheists. The study of Islam, Malay Muslim Monarchy ideology, and the Jawi (Arabic script used for writing the Malay language) are mandatory in all schools. The teaching of all other religions in schools is prohibited.

Non-Shafeite forms of Islam are actively discouraged. Building or consecrating a mosque requires permission from the Religious Council. Marriage between Muslims and non-Muslims is not allowed.

Muslims require permission from the Ministry of Religious Affairs to convert to other faiths, though official and societal pressures make conversion nearly impossible.

Academic freedom is generally respected, though in 2013 a Burmese professor at Universiti Brunei Darussalam resigned his position, citing academic censorship.

The government utilizes an informant system to monitor suspected dissidents, and emails, chat-rooms, and cellphone messages are monitored for subversive content. However, in practice there is relatively open discussion in public spaces.

## **E. Associational and Organizational Rights: 3 / 12**

Emergency laws continue to restrict freedoms of assembly and association. No more than 10 people can assemble for any purpose without a permit; permits are relatively easily and frequently obtained for social occasions such as weddings. Most nongovernmental organizations are professional or business groups. All groups must register and name their members, and registration can be refused for any reason. The law guarantees the right to form and join a union, but only a single union is active—that of the Brunei Shell Petroleum workers. Strikes are illegal, and collective bargaining is not recognized. Civil servants may not join a political party.

## **F. Rule of Law: 6 / 16**

The constitution does not provide for an independent judiciary. Although the courts generally appear to act independently, they have yet to be tested in political cases. Civil and criminal law is based on British Common Law and is enforced in secular courts, while Sharia is enforced in Sharia courts. Final recourse for civil cases is managed by the Privy Council in the United Kingdom, and for religious cases the Religious Council of Brunei.

The 2013 Sharia Penal Code, whose implementation began in May 2014, includes rules that apply to non-Muslims as well as Muslims. For example, those found guilty of cohabiting, whether nonmarried Muslims or a nonmarried Muslim with a non-Muslim, can be subject to a fine and/or prison time. Many of the new Sharia rules overlap with rules already existing in the civil and criminal codes, but under the new Sharia Penal Code there will be different sentences and burdens of proof. A defendant will only be tried in a single court under a single code, but comprehensive rules dictating which court will try whom and for which crime were not established concretely by year's end.

Enforcement of the Sharia provisions has been complicated by confusion about overlapping rules, as well as institutional preparation. Of the more than 100 qualified and registered Sharia lawyers in Brunei, as of June 2014 only 16 were registered to practice in Sharia courts. The first person to be convicted under the new Sharia Penal Code was an Indonesian in July who was found guilty of smoking during fasting hours. He was fined \$2,500.

Brunei had the death penalty for crimes including rape, drug trafficking, and murder before the new Sharia code was launched, though the last known execution took place in 1957. In August 2014, a Kenyan woman was found guilty and sentenced to execution for trafficking methylamphetamine through Brunei on her way to Malaysia. She was still in detention at year's end. A backlog of capital cases results in lengthy pretrial detention for those accused of serious crimes. Caning is mandatory for 42 criminal offenses, including

immigration violations, and is commonly carried out, though an attending doctor can interrupt the punishment for medical reasons. Prison conditions generally meet international standards.

Brunei's many "stateless" people, mostly longtime ethnic Chinese residents, are denied the full rights and benefits of citizens.

Same-sex relations are illegal, and in practice, individuals do not disclose their sexual orientation. The new Sharia code, when later phases are implemented, will impose the death penalty by stoning for same-sex relations.

## **G. Personal Autonomy and Individual Rights: 8 / 16**

Freedom of movement is respected. All government employees, domestic and foreign, must apply for permission to travel abroad, but permission is easily obtained.

The new Sharia code criminalizes "indecent behavior" by Muslims and non-Muslims, and enjoins women to dress "modestly." Religious enforcement officers raid homes to arrest people for *khalwat*, the mingling of unrelated Muslim men and women, with sufficient probable cause. Most first offenders are fined or released due to a lack of evidence.

Islamic law generally places women at a disadvantage in cases of divorce and inheritance. All women in government-run institutions and schools are required or pressured to wear traditional Muslim head coverings, but women hold some high-level government posts. Women have access to family planning. In 2014, Brunei ranked 98 out of 142 countries in the World Economic Forum's Global Gender Gap report; it scored much better on questions of economic participation than on political empowerment and health and survival.

Brunei serves primarily as a destination, and to a lesser extent, as a transit and source country for the trafficking of men and women for forced labor and prostitution. There are approximately 100,000 migrant workers in the country, and they remain largely unprotected by labor laws and vulnerable to exploitation. Workers who overstay visas are regularly imprisoned and, in some cases, caned or whipped.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**[Full Methodology](#)**